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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/655,091	09/05/2000	Johann Meseth	GR 98 P 3112	8366
24131 7590 07/03/2008 LERNER GREENBERG STEMER LLP P O BOX 2480 HOLLYWOOD, FL 33022-2480			EXAMINER PALABRICA, RICARDO J	
			ART UNIT 3663	PAPER NUMBER
			MAIL DATE 07/03/2008	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

09/655,091

**Applicant(s)**

MESETH, JOHANN

**Examiner**

Rick Palabrica

**Art Unit**

3663

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 April 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4, 7-10 and 15-20 is/are pending in the application.
- 4a) Of the above claim(s) 17-20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 7-10, 15 and 16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/C)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date 4/9/08

### DETAILED ACTION

1. Applicant's 4/14/08 Amendment, which amended withdrawn claim 17 and traversed the rejection of claims examined in the 1/14/08 Office action, is acknowledged.

Applicant's arguments with respect to the rejected claims have been considered but are moot in view of the new ground(s) of rejection.

#### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-4, 7-10, 15 and 16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1 and 2 recite the limitation, "condensing pipe leading into said condensing chamber for enabling overflow of vapor in the condensing chamber."

Underlining provided.

The claims are vague, indefinite and incomplete and their metes and bounds cannot be determined because the underlined limitation can be interpreted differently, e.g., a) the condensing pipe enables the overflow of vapor into the condensing chamber from regions outside the chamber; or b) the condensing pipe enables the flow of vapor from the condensing chamber to regions outside the chamber.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-4, 7-10, 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brettschuh et al. ("SWR-1000 – der Siedewasserreaktor der Zukunft", Siemens Power Journal, 2/96) in view of Schanz (U.S. 3,115,450). Brettschuh et al. disclose the applicant's claim limitations except for the drain pipe.

As to claims 1, 2, 15 and 16, Brettschuh et al. teach a containment vessel for a nuclear power plant (see Figs. 1-5) comprising: a) an interior space, i.e., the space inside the containment; b) a condensing chamber, i.e., "kondensations-kammer"; c) pressure chamber disposed in said reactor space, i.e., the region surrounding the reactor pressure vessel; d) condenser disposed in said interior space, i.e., "Gebäude-kondensator"; e) condensing pipe leading into said condensing chamber, i.e., "Flutleitung Kondensations-rohr".

Schanz teaches a nuclear reactor containment having a drywell 154 (e.g., see Fig. 7). He further teaches a plurality of vent tubes 180 open radially through inner containment 159 from the upper end of dry well 154 and turn downwardly penetrating liquid level 176 to lower open end 182 into pool 164. In the event of an accident, non-condensable gases from the drywell are released to pool 164. Applicant's claim

language reads on Schanz as follows: a)" drain pipe" reads on vent tube 180, and b) "condensing chamber" reads on pool 164.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the apparatus, as disclosed by Brettscuh et al. , to include a drain pipe in the top region of the pressure chamber and directly connect said pipe to a condensing chamber, to gain the advantages thereof (i.e, provide a path for non-condensable gases and preclude over-pressure of the containment), because such modification is no more than the use of a well known expedient within the nuclear art.

As to having the upper end of this drain pipe disposed above Brettscuh et al.'s condenser, applicant has not identified any specific advantage of the claimed location of the upper level of the drain pipe and therefore said location is a matter of design choice. Alternatively, it would have been obvious to an artisan to locate such upper end above the condenser to allow as much volume as possible for removal of noncondensable gases from inside the containment.

As to claims 3 and 4, Schanz teaches a drain pipe with a permanently open flow path.

As to claims 7 and 8, again applicant has not identified any specific advantage of the claimed location of the condensing pipe end relative to the drain pipe end and therefore said relative pipe end location is a matter of design choice.

As to claims 9 and 10, see, e.g., Fig. 1 in Brettscuh et al.

***Conclusion***

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rick Palabrica whose telephone number is 571-272-6880. The examiner can normally be reached on 6:00-4:30, Mon-Thurs.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Keith can be reached on 571-272-6878. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

July 1, 2008

/Rick Palabrica/  
Primary Examiner, Art Unit 3663